

## REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, September 17, 1936.

The meeting was called to order at 10:45 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen C. F. Alford, Simon Gillis, Mayor Tom Miller, and Councilman Oswald G. Wolf, 4; absent, Councilman C. M. Bartholomew, 1.

The Minutes of the regular meetings of August 6, August 13, August 20, August 27, September 3, and September 10 were read and upon motion of Councilman Gillis were adopted as read by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

C. O. Lightsey and D. O. Patton came before the Council and asked that they be granted permits for additional taxicabs on account of the opening of the University and the special session of the Legislature. Mayor Miller moved, seconded by Councilman Alford, that temporary permits for a period of sixty days be granted to Lightsey Cab Company for three additional taxicabs, and to Pattons, Inc., for two additional taxicabs. The motion carried by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Councilman Wolf introduced the following ordinance:

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED "AN ORDINANCE REGULATING THE OPERATION AND USE OF AUTOMOBILES ENGAGED IN THE BUSINESS OF CARRYING PASSENGERS FOR HIRE WITHIN THE CITY OF AUSTIN, PROVIDING FOR THE LICENSING AND BONDING OF SAME, PRESCRIBING PENALTIES FOR THE VIOLATION HEREOF, REPEALING ALL ORDINANCES IN CONFLICT HEREWITH, DECLARING AN EMERGENCY," WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL ON MARCH 8, 1932, RECORDED IN BOOK "J", AT PAGES 437-442 OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, PROVIDING THAT THE ASSURANCE REQUIRED TO BE GIVEN FOR PUBLIC SAFETY SHALL INCLUDE DAMAGES RESULTING FROM DEATH AND/OR FROM PERSONAL INJURIES AND FOR PROPERTY DAMAGES OCCASIONED BY THE NEGLIGENT OPERATION OF SUCH AUTOMOBILE, AND PROVIDING THAT IF ANY PART OF THIS AMENDMENT SHOULD BE HELD INVALID, SUCH HOLDING SHALL NOT AFFECT THE VALID PORTIONS OF SAME; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Wolf moved that the rule be suspended and the ordinance be passed to its second reading. The motion carried by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

The ordinance was read the second time and Councilman Gillis moved that the rule be further suspended and the ordinance be passed to its third reading. The motion carried by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

The ordinance was read the third time and Councilman Wolf moved that the ordinance be finally passed. The motion carried by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Councilman Alford moved that the following named persons be granted taxicab driver's permits, in accordance with the recommendation of Roy J. Smith, Captain of Police, Traffic Division: Durward C. McClelland, 1010 San Antonio Street; Rex Burns, Lake Austin; Heamon Alton Cluck, 908 West 10th Street; Ocie Olive Traweck, 96 East Avenue; Reinhard Engelke, 309 East 12th Street; and Raymond G. Ledesma, 2319 Santa Rita Street. The motion carried by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Councilman Wolf introduced the following ordinance:

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF AUSTIN, TEXAS, FOR SCHOOL PURPOSES ONLY, TO INCLUDE THAT CERTAIN TERRITORY OUT OF THE ST. ELMO COMMON SCHOOL DISTRICT NO. 43, HERINAFTER DESCRIBED IN SECTION 1, AND PROVIDING FOR THE ASSESSMENT AND COLLECTION OF SCHOOL TAXES WITHIN THE TERRITORY SO ADDED.

The ordinance was read the first time and Councilman Wolf moved, seconded by Councilman Alford, that the rule be suspended and the ordinance be passed to its second reading. The motion carried by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

The ordinance was read the second time and Councilman Wolf moved, seconded by Councilman Alford, that the rule be further suspended and the ordinance be passed to its third reading. The motion carried by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

The ordinance was read the third time and Councilman Wolf moved, seconded by Councilman Alford, that the ordinance be finally passed. The motion carried by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Councilman Alford offered the following resolution:

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Texas Public Service Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

(1) A gas main in WEST TWENTY-NINTH STREET, beginning at a point  $7\frac{1}{2}$  feet south of the north line of said West 29th Street and 242 feet west of the west line of Oakhurst Avenue;

Thence in a westerly direction with a gas main, the centerline of which shall be  $7\frac{1}{2}$  feet south of and parallel to the north line of said West 29th Street, for a distance of 266 feet.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

(2) A gas main in LIBERTY STREET, beginning at a point 20 feet west of the east line of Liberty Street and 127 feet south of the south line of East 34th Street, or Harris Avenue;

Thence in a southerly direction with a gas main, the centerline of which shall be 20 feet west of and parallel to the east line of said Liberty Street, for a distance of 148 feet.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

(3) A gas main in TEXAS AVENUE ALLEY, beginning at a point 18 feet south of the north line of said alley and 172 feet east of the east line of Montrose Street;

Thence in an easterly direction with a gas main, the centerline of which shall be 18 feet south of and parallel to the north line of said alley, for a distance of 42 feet.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

(4) A gas main in WEST THIRTY-EIGHTH STREET, beginning at a point  $13\frac{1}{2}$  feet south of the north line of said West 38th Street and 20 feet west of the east line of Bull Creek Road;

Thence in a westerly direction with a gas main, the centerline of which shall be  $13\frac{1}{2}$  feet south of and parallel to the north line of said West 38th Street, for a distance of 220 feet.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the City Engineering Department not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is out in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchise granted to said Company by the City of Austin.

The foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Councilman Wolf nominated Mrs. A. W. Harris and Coleman Gay as members of the Library Commission to fill the vacancies existing on said Commission, for the term ending July 1, 1938. The nominations were confirmed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Councilman Wolf offered the following resolution:

WHEREAS, the City of Austin is the owner in fee simple of the hereinafter described land, and same is not needed for any corporate use of said City; and

WHEREAS, Dr. Frederick Eby desires to purchase the hereinafter described property and has offered to pay therefor the sum of \$100.00 cash, which the City Council deems a fair price for same; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Manager be and he is hereby authorized and directed in behalf of the City of Austin to sell to said Frederick Eby, of Travis County, Texas, for the consideration of \$100.00 cash, the following described property:

A part of Outlot No. 59, Division "D" of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, according to a map or plat of said Government Outlots on file in the General Land Office of the State of Texas, and which land is out of the Northeast corner of that certain 826/1000 (.826) acre tract or parcel of land which was conveyed to the City of Austin by George L. Smith and wife, Mary Boak Smith, by deed dated December 29, 1931, which deed is recorded in Volume 474 at pages 512-513 of the Deed Records of Travis County, Texas, said land being described by metes and bounds as follows:

Beginning at an iron stake at the northeast corner of said Smith to City of Austin tract; thence following the east line of said tract S. 5°00' E. 83 feet to an iron stake; thence with a south line of said Smith to City of Austin tract S. 85°00' W. 100 feet to an iron stake; thence with a line of said Smith to City of Austin tract N. 5°00' W. 19.8 feet to an iron stake; thence crossing said Smith to City of

Austin tract N. 34<sup>00</sup>1' E. 82.78 feet to an iron stake on the north line of said tract; thence following the north line of said Smith to City of Austin tract N. 86<sup>03</sup>0' E. 47.9 feet to the point of beginning, containing 154/1000 (.154) of one acre of land.

BE IT FURTHER RESOLVED:

THAT the City Manager, Guiton Morgan, is hereby authorized to execute a special warranty deed to said Frederick Eby conveying said property in the name of and in behalf of the City of Austin, and as the act of said City of Austin.

The foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Councilman Gillis offered the following resolution, which was unanimously adopted:

WHEREAS, bids were received, opened and publicly read aloud at 10:00 A. M., July 23, 1936, on PWA Docket Tex-1300R-30, all in accordance with PWA contract documents, plans, specifications, and advertisements, by the officials of the Austin Independent School District and the architects and representatives of the Public Works Administration; and

WHEREAS, the result of the architects' study was submitted to the School Board, and was accepted by the Board at a meeting thereof on September 14, 1936; and

WHEREAS, the Austin Independent School District, through its duly constituted officers, has accepted the recommendations of the architects, a copy of which is attached, and has submitted a resolution awarding said contracts to the lowest and best bidders in accordance with the resolution attached herewith; and

WHEREAS, the City Council, acting for and in behalf of the Austin Independent School District, approves the award of the contracts so indicated, subject to the approval of the State Director of the Public Works Administration; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Manager be authorized and is hereby directed to sign the resolution of the School Board, approving said resolution on the part of the City of Austin.

(RESOLUTION OF SCHOOL BOARD ATTACHED)

WHEREAS, a further study of the needs of the Austin Schools and of funds still available out of the Owner's and Government portion of Docket Tex-1300R has indicated the advisability of carrying out the interior painting of the John T. Allan High School Building and of the Austin Senior High School Building, on both of which bids were received on July 23; and

WHEREAS, the Architects, Giesecke & Harris, have recommended that awards be made as follows:

1. That the interior painting of John T. Allan High School be reinstated under the contract of Mr. S. Roy Owens, the original low bidder, on the complete painting bid for that building by issuing change order in the amount of the original deduction; namely, \$7,381; and

2. That the painting for the Austin Senior High School be awarded to Mr. J. J. Bitzan, the original low bidder on that building, at his bid price of \$12,724; and

WHEREAS, the Board of Trustees at this regular meeting reviewed the tabulation of bids on July 23 and approves the recommendation of said Architects;

THEREFORE BE IT RESOLVED by the Board of Trustees, subject to the approval of the City Council of the City of Austin that the following be recommended to the State Director of the Public Works Administration that:

1. A change order be issued reinstating the interior painting in contract No. Tex-1300R-30 of Mr. S. Roy Owens at the original deduction price of \$7,381; and

2. That contract be awarded to Mr. J. J. Bitzan, of Austin, Texas, for the painting of Austin Senior High School at his original low bid price of \$12,724.

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I certify that the above is a true copy of a resolution unanimously adopted at the regular meeting of the Board of Trustees of the Austin Independent School District, at which were present the following members:

E. A. Murchison, President  
L. H. Blendermann, Chairman, Building  
Committee  
Carl T. Widen  
Rudolph Mueller  
Harris Gardner

(Signed) Cousins Gregg  
Acting Secretary

Approved:

CITY OF AUSTIN

By \_\_\_\_\_  
City Manager.

(ARCHITECTS' RECOMMENDATION ATTACHED)

"September 12, 1936

Docket Tex-1300R  
Austin Schools  
Painting

Honorable E. A. Murchison  
President, Board of Trustees  
Austin Independent School District  
Austin, Texas

Dear Sir:

In line with the decision of the Board of Trustees at its recent meeting, in which instructions were issued to the Architects to prepare the necessary recommendations to provide for the painting of (1) the interior of the John T. Allan Junior High School Building; and (2) interior painting of the Austin Senior High School, we wish to submit the following:

It will be recalled that bids for painting of the John T. Allan, Palm, John B. Winn, Metz, Anderson High, Bickler, Matthews, Wooldridge, Fulmore, Baker, Pease, and the Senior High School Buildings were received, opened, tabulated, and publicly read aloud on July 23, 1936, in compliance with the regulations and under the supervision of the Public Works Administration.

At that time bids were also received for certain general construction, both new and repairs, and awards were recommended, and later made for all of the general and repair construction, that being deemed the most urgent need.

Also at that time the Board decided to postpone action on recommending awards on any phase of the painting until further study had been made of the school needs as against funds yet available. It was subsequently decided by the Board that the exterior painting of the John T. Allan, all the painting of the Wooldridge and Baker Schools should be carried out.

In line with this decision the Architects made suitable recommendations as to the low bidder on those items under date of August 4, 1936. This was followed by a resolution of the Board, approved by the City of Austin, followed through in the regular procedure by final approval of contracts by PWA on these particular buildings.

The Architect's recommendation of August 4, with reference to the painting of the interior of the John T. Allan Junior High School, included the following paragraph:

"3. That the bid of S. Roy Owens, of Austin, Texas, upon the painting of John T. Allan Junior High School, and in the sum of \$10,835 be considered the lowest and best bid received, and that award be made to him upon this basis, except that there be omitted Alternate 1 in the amount of \$7,381, and award be made in the net sum of \$3,454."

Bids received on July 23 for painting of the John T. Allan Junior High School were as follows:

S. Roy Owens	Base Bid \$10,835	Alt. 1 \$7,381	Alt. 2 \$1,209
G. W. Buvinghausen	11,108	7,000	1,200

It will be noted that the acceptance of Alternate No. 1, deducting \$7,381, did not affect the standing of the low bidder.

Attention is also called to the wording of the bid sheet from which it will be noted that Alternate No. 1 and Alternate No. 2 are not bids, but merely deductions; in other words, it would be neither proper nor possible to award Alternate No. 1, or interior painting, to the high bidder even though his deduction on Alternate No. 1 would appear to be the low cost on interior painting.

Based on the above discussion, it is hereby recommended that the interior painting

of the John T. Allan High School be awarded to S. Roy Owens and that permission be requested of the State Director to place this work in his present contract by change order.

It is recommended by the Architects that the painting for the Austin Senior High School be awarded to Mr. J. J. Bitzan at his bid of \$12,724. There were three bids received on this building, the second low bid being that of Fenner & Hill at \$15,469; the third bidder was Mr. C. W. Buvinghausen at \$15,724.

Respectfully submitted,

GIESECKE & HARRIS, Architects

By (Signed) B. E. Giesecke. "

Upon motion, duly seconded and carried, the meeting was recessed at 1:15 P.M., subject to call of the Mayor.

Approved: Tom Miller  
Mayor

Attest:

Hallie M. Green  
City Clerk.

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, September 24, 1936.

The meeting was called to order at 10:45 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen C. F. Alford, Simon Gillis, Mayor Tom Miller, and Councilman Oswald G. Wolf, 4; absent, Councilman C. M. Bartholomew, 1.

The Minutes of the regular meeting of September 17 were read, and upon motion of Councilman Alford, were adopted as read by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

The public hearing on the proposal of the City Council to amend the Zoning Ordinance in the following particulars was opened:

1. To amend Section 12 by striking out the entire paragraph under subsection "Setback" regarding the setback for garages and accessory buildings and substituting therefor the following paragraph:

A private garage, private stable, poultry shed, storage room or other accessory buildings shall be so located and placed on a lot that no part thereof shall be a greater distance from the rear property line than 25% of the mean depth of the lot, measured from the front property line to the rear property line, and a setback line for any such accessory building of not less than twenty (20) feet from any other street line, provided that on corner lots abutting on an alley or common property line and fronting in opposite directions on both sides of and parallel to any side street, the setback distance from the side street for any such accessory building shall be not less than twelve (12) feet, provided further that in no case shall the said building be less than three (3) feet from any property line.

2. To amend Sections 13 and 14 by striking out the entire paragraph under sub-